

## **REMARKS**

Claims 1, 3-11, 17-31, 34, 35, 36, 41-48, 51, 52, 55-58, 61, 62, 66, 67, 72 and 73 are amended. Claims 2, 12-16, 32, 33, 49, 50, 53, 54, 59, 60, 63-65 and 68-71 are cancelled. Claims 1, 3-11, 17-31, 34, 35-48, 51, 52, 55-58, 61, 62, 66, 67, 72 and 73 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 112, Second Paragraph, Rejection:**

The Office Action rejected claims 43, 44, 58-67, 72, and 73 under 35 U.S.C. § 112, second paragraph, as indefinite. The rejected claims are amended to remove the language to which the Examiner objected. Accordingly, applicants respectfully request that the rejection be withdrawn.

### **Section 101 Rejection:**

The Office Action rejected claims 1-35, 46-57, 62-67, 71 and 73 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. While Applicants traverse this rejection, in order to expedite prosecution, the claims are amended. Claims 1, 31, 46, and 52 are amended to claim a “computer readable storage medium”, claims 58 and 72 are amended to tie the method to a computer system, and claims 36 and 68 are cancelled. Applicants respectfully request that these rejections be withdrawn.

### **Art Rejections:**

The Office Action rejected claims 1, 3, 6, 24, 31, 32, 35, 36, 42-44, 46-48, 50, 52, 53, 57-59 and 62-67 under 35 U.S.C. § 102(e) as allegedly being anticipated by Burrows et al. (U.S. Patent 6,662,364) (hereinafter “Burrows”), and claims 2, 23, 33, 49, 54, 60 and 61 under 35 USC § 103(a) as allegedly being unpatentable over Burrows in view of

Azagury et al. (U.S. Patent 6,757,891) (hereinafter “Azagury”). Applicants respectfully traverse these rejection for at least the following reasons:

Regarding claim 1, as recognized by the Action (page 14), Burrows does not teach *acquisition and release sequences that, when executed by a bias-holding thread...are free of... memory barrier operations*, as recited in claim 1. However, in the rejection of claim 2, the Examiner reasons that since Burrows is silent on the topic, Azagury may be combined with Burrows to teach this limitation. However, as explained below, neither Burrows nor Azagury, whether considered alone or in combination, teach or suggest this aspect of Applicants’ claim 1.

Burrows teaches a method for acquiring a lock, such that the acquisition is performed more quickly by a designated thread than by other threads. In the lock acquisition method of Burrows, the object that is being modified is the lock data structure (e.g., FIG. 6A, 6B).

Meanwhile, Azagury teaches that “if an object is thread-local, then no other thread can access the contents of the object; thus, there is no need for these synchronization instructions”, such as “sync” (col. 8, lines 1-3). Therefore, combining Burrows with Azagury at most teaches that the lock of Burrows may be accessed with no need for synchronization instructions if it is thread-local.

However, Azagury also teaches that, “when the object becomes global...code is selected that uses memory synchronization operations at appropriate places” (col. 8, lines 8-11). Azagury teaches that, “a global object is an object that can be accessed by more than one thread” (col. 1, lines 24-25). Claim 1 recites that the biasable lock *is concurrently accessible to a plurality of threads*. Therefore, the system of Azagury would determine that the biasable lock of claim 1 is “global”. As such, Azagury teaches that when modifying a structure such as the biasable lock of claim 1, “code is selected that uses memory synchronization” (col. 8, lines 8-10). Therefore, the combination of Burrows and Azagury does not teach *a biasable lock that is concurrently accessible to a*

*plurality of threads and acquisition and release sequences that...are free...of memory barrier operations*, as recited in claim 1.

For at least these reasons, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 31, 46, 52, 58, 62, and 72.

Moreover, in regard to all the rejections under both § 102(e) and § 103(a), Applicants assert that the rejections of numerous ones of the dependent claims are further unsupported by the cited art. However, since the rejection of the independent claims has been addressed, Applicants will forego a further discussion of the rejections of the dependent claims at this time.

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

## CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6000-32500/RCK.

Respectfully submitted,

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